

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES A. DINA,	:	Case No. 1:06 CV 2506
	:	
Petitioner,	:	
	:	
v.	:	JUDGE KATHLEEN O'MALLEY
	:	
MICHELLE EBERLIN, Warden	:	<u>ORDER</u>
	:	
Respondent.	:	

James A Dina has petitioned this Court for a writ of habeas corpus pursuant to 28 U.S.C. §2254, in which he challenges the constitutional sufficiency of his state court conviction for theft. Dina's petition was referred to a magistrate judge of this Court, pursuant to 28 U.S.C. §636 and Local Rule 72.2(b)(2).

Upon review of the parties' submissions, the magistrate judge issued a Report and Recommendation ("R&R") (Doc. 12), in which she recommends that Dina's petition be denied. Dina has not filed any objections to the R&R.¹ Because the Court reaches the same conclusions as the magistrate judge, no further articulation of its reasoning is required. Tuggle v. Seabold, 806 F.2d 87, 92-93 (6th Cir. 1986).

Accordingly, the Court hereby **ADOPTS** the magistrate judge's R&R. Dina's petition is **DENIED** and his case, is **DISMISSED**.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: November 9, 2007

¹ Nor, as the magistrate judge observed, did Dina elect to file a traverse.